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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

OHIO CASUALTY GROUP, as :
subrogee of Eric Staub, :
Plaintiff :

v. : CIVIL ACTION NO. 1:CV-01-0785
(Judge Kane)

J & J INVESTMENT, :
J & J INVESTMENT MANAGEMENT :
COMPANY, :
Defendant and :
Third-Party Plaintiff :

v. :

AL BUDROW and RICHARD EDWARD :
WONDERS, t/a Wonders General :
Contracting, :
Third-Party Defendants

FILED
HARRISBURG, PA
DEC 19 2002
MARY E. JARVIS, CLERK
Deputy Clerk

TRANSCRIPT OF PROCEEDINGS
JURY TRIAL
MR. HUNT'S REBUTTAL ARGUMENT

Before: Hon. Yvette Kane, Judge
and a Jury

Date: December 12, 2002

Place: Courtroom No. 4
Federal Building
Harrisburg, Pa.

COUNSEL PRESENT:

HAYES A. HUNT, Esquire
For - Plaintiff

MARTIN A. DURKIN, JR., Esquire
For - Defendant

THOMAS R. NELL, Esquire
For - Third-Party Defendant Al Budrow

MICHAEL B. SCHEIB, Esquire
For - Third-Party Defendant Richard Edward Wonders

Monica L. Zamiska, RPR
Official Court Reporter

1 THE COURT: Mr. Hunt, do you wish to respond?

2 MR. HUNT: Very briefly, Your Honor. There has
3 been some talk about speculation and bringing in the
4 witnesses that started the fire, but I want you to listen to
5 when Her Honor instructs you about inferences. And
6 inferences are permitted, and the burden of proof isn't
7 something, as I said, beyond a reasonable doubt, that's so
8 significant that you need to bring all this in. And when you
9 go back in the deliberation room, keep in mind that when she
10 talks about inferences are this, inferences are simple
11 deductions or conclusions which reason and common sense lead
12 you to draw logically from facts that have been established
13 by the evidence.

14 And when I gave you -- when I talked about it, and
15 what I said is not evidence, but when I talked about how the
16 May 26 person or child got in that property, you can draw the
17 inference, and Officer Cromer talked about the front door.
18 Let's go right to the back door, let's go to how it looked,
19 you can draw an inference that a child, some other
20 individual, unwrapped that wire, went through the aluminum
21 door and lit debris that should have never been there. Thank
22 you.

23 THE COURT: Thank you.

24 (Mr. Hunt's rebuttal argument concluded.)

25

1 I hereby certify that the proceedings and evidence
2 of the court are contained fully and accurately in the notes
3 taken by me on Mr. Hunt's rebuttal statement of the within
4 cause and that this is a correct transcript of the same.

5 Monica L. Zamiska

6 Monica L. Zamiska, RPR

7 Official Court Reporter
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